



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 464	Assembly Amendment 1
Memo published: November 2, 2001 Contact: Shaun Haas, Senior Staff Attorney (267-9025)	

Current law prohibits manufacturing, distributing, delivering or possessing certain controlled substances. These provisions are contained in ch. 961, Stats.

2001 Assembly Bill 464 increases the penalties for unlawfully manufacturing, distributing, delivering, possessing with intent to manufacture, distribute, or deliver, or simply possessing various controlled substances commonly referred to as “club drugs.” Many of the provisions of the bill were enacted as part of the 2001 Biennial Budget [SECTIONS 3987 to 3996, 2001 Wisconsin Act 16], except for the last provision of the bill [SECTION 13], which proposes an increase in the penalty for the simple possession of MDMA (3, 4-methylenedioxymethamphetamine or “ecstasy”).

Assembly Amendment 1 to Assembly Bill 464 deletes all of the provisions of the bill that were contained in the budget and retains only the provision of the bill relating to an increase in the penalty for the simple possession of MDMA or “ecstasy.” Under this provision, the penalty for simple MDMA possession is increased significantly. Specifically, the penalty is increased from a fine of not more than \$500 or confinement in jail for not more than 30 days, or both [see s. 961.41 (3g) (b), Stats., which references s. 939.61 (2), Stats., relating to the penalty for a misdemeanor where none is expressed under state law] to a fine of not more than \$5,000 or imprisonment for not more than two years, or both. The increased penalty for simple possession of MDMA is the same as the current penalty for simple possession of the controlled substances GHB (gamma-hydroxybutyric acid), GBL (gamma-butyrolactone), ketamine, or flunitrazepam (marketed under the name rohypnol).

Passage of Assembly Bill 464, as affected by Assembly Amendment 1, was recommended by the Assembly Committee on Criminal Justice on a vote of Ayes, 8, Noes, 5.

SPH:jal:tlv;rv